

**BEST VALUE REVIEW**

**STAGE ONE REPORT**

**SPECIAL EDUCATIONAL NEEDS**

**August 2003**

**Contents**

<b>Section</b>	<b>Page</b>
1 The Aims of the Service	3
2 The Statutory Framework	3
3 The Herefordshire Context	3
4 Herefordshire Psychological Services	4
5 Herefordshire Learning Support Service	4
6 Physical and Sensory Support Service	5
7 Medical and Behavioural Support Service	5
8 The National Agenda	5
9 Preschool Arrangements	6
10 Primary Schools	7
11 Secondary Schools	8
12 Post 16 Provision	8
13 Special Schools	9
14 Annual Reviews	9
15 Routes of Referral	10
16 Criteria and Consistency	10
17 The Maintenance of Statements	11
18 Working with Service Users	12
19 The Tribunal	12
20 User Satisfaction	13
21 Monitoring Provision	15
22 Financial Information	15
23 Assets and Resources	15
24 Data Storage	16
25 Ofsted	16
26 Performance Information	17
27 Banded Funding	20
28 Future Trends	20
29 Stage 2 – Further Analysis and Research	21
<b>Tables</b>	
1 Audit Commission School Survey 2000	14
2 Pupils with Statements of SEN – Trends	17
3 Pupils with Statements of SEN	17
4 Numbers of Primary Schools by Percentage of Pupils with SEN	17
5 Numbers of Secondary Schools by Percentage of Pupils with SEN	17
6 Percentage of Statements Maintained by Statistical Neighbours	18
7 First Time Statements made in 2001 – Pupil Placement	18
8 Best Value Performance Indicators	19
9 Appeals registered per LEA	19

## 1. The Aims of the Service

The aims of the service as reflected in the Education Business Plan are as follows:

*To provide good quality education and an accessible curriculum for children with particular learning, emotional, behavioural, physical and sensory needs. To offer specialist assessments where appropriate and to train schools in routine assessments of special needs. To encourage whole school approaches to special needs, inclusive practice, early intervention and preventative work, and to support schools by providing specialist advice, training and good resources. To support the empowerment of schools in being able to provide for and challenge all children regardless of their individual needs. To provide cost effective monitoring of pupil progress and school improvement in terms of inclusion and special educational need.*

The services involved in the review support the Herefordshire Plan's vision to 'Providing excellent learning, education and training opportunities in Herefordshire for all ages' through improving access to educational opportunities. They also help to 'Tackle poverty and isolation in Herefordshire' by enabling vulnerable children to maximise their potential.

## 2. The Statutory Framework

The statutory assessment framework in Herefordshire operates under strict national regulations contained in the 1996 Education Act as amended by the SEN and Disability Act, 2001 and in the Code of Practice for Special Educational Needs 2001.

The legislation allows very little discretion in terms of routes of referral, time frames, documentation or specificity of provision. The Council has no choice but to make adequate provision for the fulfillment of its statutory duties. Indeed, the rights of others, including parents, children, professionals and representatives of various agencies, have been increased. Statutory Assessment also now takes place in the context of the Disability Discrimination Act, 1995 as amended by the SEN and Disability Act, 2001.

Local authorities are obliged to provide parent partnership services and free dispute resolution arrangements but, if a statement of special educational needs results from the statutory assessment process for any individual child, once agreed, it is binding on all parties. Ultimately, disputes may be resolved both for special needs and disability issues by the SEN and Disability Tribunal (SENDIST), which was reconstituted in 2002.

## 3. The Herefordshire Context

With the establishment of the new authority in 1998, statutory assessment procedures were largely inherited from the old authority, although the paperwork was rebadged at that stage. With increasing regulation, the documentation has been amended. However, there has been persistent local and national criticism of the quality of some of the documentation, particularly that relating to statements of special educational needs, some of which become outdated quite quickly.

Although the Council has ultimate responsibility for the maintenance of statements and the provision contained in them, the funding to carry this out has been increasingly delegated to schools under government directives and schools themselves are now the main agents for review processes and for updating information about the children.

The casework demands on the assessment process continue to increase and, in addition, the special needs functions of the Education Directorate have widened considerably in other respects. Until the summer of 2001, the main function of the manager of special educational needs was to take charge of casework and of the assessment process. However, from that point, following the Ofsted inspection of autumn 2000, the pressures on the post in terms of policy and planning meant that there needed to be a change of emphasis. Until July 2001 there was one statement co-ordinator, a special educational needs assistant and an administrative assistant, overseen by the manager of special educational needs. Thereafter, the co-ordinator was promoted to the post of casework and assessment officer and a second officer was appointed to share the workload. Together they were allocated three administrative assistants. The manager of special educational needs would then only become involved in casework in exceptional circumstances. However, in practice, this post still involved approximately 25 per cent casework and many of the casework decisions have also been passed to the head of the service. The present manager of special educational needs (March 2003) holds the post on a secondment which finishes at the end of July 2003, at which time the casework functions will need to be reviewed.

#### **4. Herefordshire Psychological Services**

Local authorities employ the services of fully qualified educational psychologists to provide advice about the education of children and young people who are of concern to schools. The majority of these children will have special educational needs. All educational psychologists must have successfully completed a course of training at postgraduate level accredited by the British Psychological Society. Educational psychologists contribute 'Psychological Advice' to a statutory assessment of the child's special educational needs. They play a major role in supporting the decisions that the authority makes about provisions and placements. A statement cannot be written without this advice.

Educational psychologists have a wider role in working with schools and parents at all stages of the Code of Practice. They offer consultation to schools, INSET to teachers and allied staff and contribute to research and strategic work. Educational psychologists are the most likely professional group to be called upon as expert witnesses in tribunals and in other legal proceedings. Educational psychologists would prefer to work preventatively, wherever possible, and they offer a wide range of interventions and therapies. They have a close working relationship with other special needs staff and liaise closely with health and social services professionals. A growing proportion of their work is with preschool children.

#### **5. Herefordshire Learning Support Service**

The Herefordshire Learning Support Service (HLSS) supports schools across a range of activities, mostly associated with learning delay of some sort. When it is beyond the scope of individual schools, advisory teachers assess the needs of individual children and may work with them directly, sometimes as the result of the contents of a statement

or a banded funding allocation. Advisory teachers give specialist advice on curriculum differentiation and teaching methods for young people with a range of learning difficulties, both general and specific. They offer training sessions for teachers and teaching assistants and are frequently involved in projects to boost the effectiveness of particular areas within schools. Areas of importance include literacy and numeracy, early language skills, motor programmes and information and communication technology. Along with the rest of the SEN services, HLSS are moving towards more preventative work and early intervention and are developing a team approach with the psychologists to avoid overlap and provide a consultative service for schools. HLSS maintains a store of materials for loan to schools and are in a position to give advice about assessment materials. The service will be a key element in moves towards more delegated funding for SEN in advising schools on value for money and in helping to monitor the quality of what is happening in schools and sharing good practice.

### **6. Physical and Sensory Support Service**

The Physical and Advisory Support Service (PASS) works mostly to help mainstream schools to include young people with hearing impairment, reduced vision or physical disability. Advice is often based on a long-term knowledge of individual children built up by assessment and work in the early years. In this context, advisory teachers work closely with colleagues in the Primary Care Trust. PASS provides specialist teachers, signers and teaching assistants where appropriate and helps schools with annual monitoring. In addition to providing advice and support on subjects including Braille and Moon, mobility, assessments of vision and educational audiology, PASS have been instrumental in standardizing the approach to specialist communication and in training teachers. PASS also has a key role in advising on the use of ICT and communication aids for children with limited sensory or motor function and supports schools in the provision of suitable equipment where appropriate. PASS is frequently required to advise schools regarding the physical and environmental aspects of accessibility planning and strategies for making the curriculum more accessible to young people with a range of disabilities.

### **7. Medical and Behavioural Support Service**

The Medical and Behavioural Support Service (MBSS) works with schools to support the inclusion or reintegration of young people who may have been out of school for a variety of reasons, including exclusion, physical or mental ill health and family problems. Support ranges from facilitating entry to reception classes of children identified with problems in early years settings, through to working with schools and pupil referral units to provide packages for young people who are disaffected. MBSS is instrumental in running a multi-disciplinary intervention project and a reintegration support base in Key Stage 3. Along with the other support services, MBSS offers training packages to schools. The service has a particular function in coordinating the work of children who are in the care of the council, overseeing the hospital school and managing the teachers at the Child Development Centre.

### **8. The National Agenda**

There continues to be a great deal of debate about the value of the statutory assessment process. The Audit Commission has identified the fact that it is, in itself, expensive and children with statements absorb a disproportionate amount of the overall

spending on special educational needs. In addition, the rates of statementing and the type of provision vary widely from one authority to another. On a national basis, individual children are not necessarily well served by the assessment process, the inflexibility of the provision and the review arrangements.

The situation is made more complicated by the fact that the Government is keen to promote inter-agency working and is looking for a single assessment process across education, health and social services, for children who are at risk of social exclusion.

When it was originally established, statutory assessment was intended to be a mechanism for ensuring that the needs of children were identified. However, it rapidly became a mechanism for funding support and, in some instances, was rather more expensive than the support it provided. For the last two years, Herefordshire has been trying to move away from this model and its 'banding' proposals have been praised by the Audit Commission. Even so, since the code of practice has been recently revised, the Government displays no immediate intention of reforming the legislation on statutory assessment. The best value review needs to take account of the fact that, during its course, the picture may change considerably both nationally and locally.

### **9. Preschool Arrangements**

When children are in school, it is clearly the responsibility of teachers, supported by the authority, to identify children with special needs. However, with younger children, the council does not necessarily have access to this information. Consequently, it is the legal responsibility of the Primary Care Trust, usually represented by paediatricians, to notify the Education Directorate of children who it thinks have special needs. In Herefordshire, this typically takes the form of a preschool notification to the educational psychology service.

However, increasingly, there have been informal referrals to the Leominster Early Years Centre or to the Child Development Centre (which is a health service provision in Hereford City), with the result that the needs of these children may not officially become known to the authority until they reach school. There is not necessarily an official notification to the Council.

Until the autumn of 2002, panel meetings were held at these two venues to discuss, amongst other things, which preschool children might warrant a statutory assessment. However, the regulations were altered to ensure that parents could expect a rapid decision about an assessment regardless of the route of referral. As a result, it was necessary to amalgamate the decision-making process with the monthly panel meetings which decide on similar requests for school-age children.

This has had two major effects. First, there has been a reduction in the number of requests for statutory assessment for preschool children. Second, because fewer education professionals are routinely involved in review meetings at the two centres, the needs of other children may not be so easily identified.

Of course, there are other categories of young people in the early years who may come to the attention of the authority in other ways. Some children with severe physical or developmental problems will be known to paediatricians almost from birth and these will be directly identified to members of the Physical and Sensory Support Service (PASS) at

an early stage. Many of these will need a statutory assessment in order to access the early years provision at Blackmarston School in Hereford or at Westfield School in Leominster. Similarly, preschool children with vision impairment or hearing impairment will usually be the subject of early identification, though they will not necessarily need a statement in order to be supported by specialist teachers.

For children who are likely to be educated in an ordinary primary school, albeit that they need a statutory assessment, the statement will typically not specify provision until they are of school age. However, the review needs to take account of the fact that, with the amendments to the Disability Discrimination Act 1995, the authority may need to regularise the support that it is able to give to children in early years settings in the future. It would be unfortunate if, in order to achieve this, the disadvantages of the statutory assessment process were to be imported in quantity into this area of operations. Because the process is comparatively complex and cannot be done quickly, it does not necessarily serve the interests of little children who need early intervention to achieve milestones. It is to be hoped that the banded funding proposals, which are designed to tackle some of the frustrations of statutory assessment in the primary schools, will also be appropriate for early years settings, once the funding itself has been identified. The banding matrix was designed with this in mind.

## **10. Primary Schools**

In ordinary primary schools, it is largely the responsibility of the school, through delegated funding, to meet the needs of children with special educational needs. In the main, this is done through support provided under the code of practice categories of school action and school action plus. However, children with more significant needs may attract additional central funding. A small number of these may be supported without a statement, but for the majority, the statement indicates the support and how it should be used. In purely mechanical terms, the process is well rehearsed and most primary schools are competent at applying for statutory assessment, even though they find it burdensome.

There has been a perception, not altogether unjustified, that the criteria for statutory assessment have been made more stringent over the years because of increased demand. Certainly, schools have felt the need, and have sometimes been encouraged, to provide a plethora of reports and evidence in order to make the case. This, in turn, has made it seem that the authority accepts delays in the process in order to save money. Although this is not true, it certainly seems to be the case that many children do not achieve statements of special educational needs until they are well on in their primary school careers. To this extent, the statutory assessment process mitigates against early intervention and preventative work.

Statements for mainstream primary children can lead to several outcomes. The majority simply specify support - that is a number of hours provided by a teaching assistant. However, until recently, eleven of the county's primary schools had special education centres dealing with children with moderate learning difficulties. Officially, children needed a statement which specified this provision in order to use it. In addition, in similar fashion, some children could access the provision in observation and assessment units at Hunderton Infants and Leominster Infants, the physical disability unit at Trinity Primary School or the language or autistic spectrum units at Hampton Dene.

With increasing national pressures for inclusive education and changing perceptions about the value of specialist units for moderate learning difficulties, the demands on many of the SECs have dwindled to the extent that several have recently closed and the others need more flexible arrangements in order to provide for the remaining children. The requirement that children in these centres must have a statement is no longer helpful to anyone.

Clearly, it is important that, where a child needs a thoroughgoing assessment in order to establish their needs, this facility will always be available and, when necessary, it should be a statutory assessment. However, this will rarely be necessary purely to establish support or placement. The council increasingly takes the view that professional decisions about how best to support a child should be taken on the ground in the school by the professionals who deal with the child on a daily basis. This is the basic philosophy behind current banding proposals.

It is hoped, eventually, to reduce the statementing rate from about 3.9% to about 1% of each yearly cohort of children and the majority of these are likely to be children who will attend a special school for all or part of their education.

### **11. Secondary Schools**

Almost all provision for special educational needs in the secondary sector was delegated to schools in the academic year 1999-2000. This means in effect that schools had the choice whether to continue with their special education centres or to integrate most of their young people into ordinary classes with support. Officially, this means high schools still have resourced provision for moderate learning difficulties and this is often named in statements. There remains a specialist provision for vision impairment at Weobley High School and for physical disability at the Bishop of Hereford's Bluecoat School. Where young people have significant needs over and above what is provided for by delegated funding, it has been possible to provide extra centrally funded support, but this is the exception. Because of the need to achieve a smooth transfer from primary to secondary education for children with special needs and because of the perceived fairness of the system, discussions are starting about the possibility of using banded funding for at least an element of delegation in the secondary sector.

Because, in the majority of cases, a statement issued in a high school does not directly provide extra resources for the school, the number of requests for statutory assessment in the sector is small. However, it should be borne in mind that most primary schools are diligent about trying to obtain statements for children before they make the transfer. Consequently, the overall proportion of children with statements in the high schools is still relatively high by national standards (about 4%).

### **12. Post 16 Provision**

Most young people, including those with statements, leave school at the end of the academic year in which they are 16 and the statement lapses. However, there is the possibility of the statement being reinstated if the young person re-enters educational provision made by the local authority, and it has to be kept on file. Some young people with special needs, especially those in special schools, will go on to some kind of post 16 provision. The status of their statement in these circumstances depends on agreed arrangements between the local authority, the parents, the young person, the

## **Draft SEN BVR Stage One Report**

Connexions service and the Learning and Skills Council. If statements are altered for young people between the ages of 16 and 19, or if the authority proposes to cease to maintain the statement, the parents, in consultation with the young person, retain the right to appeal to the tribunal (SENDIST). Clearly, this happens very infrequently.

Occasionally, supposedly to protect the interests of a young person after leaving school, requests for statutory assessment are made very late in their school career. In reality, it is not clear that a statement will actually protect their interests except in special circumstances and, because of the time it takes to complete an assessment, it is not usually to anyone's advantage.

All young people with a statement in year 9 at high school must have the benefit of a transition review at which a representative of the Connexions service should be present. This review is charged with producing a transition plan which will guide the process of helping the young person to move from school to employment or to further education. Data are needed about the effectiveness of this process and whether the Connexions service is actually involved in all these reviews.

### **13. Special Schools**

Recent changes in legislation have meant that parents have increased rights to have their children educated in mainstream settings, even if they have a significant level of disability. To strengthen this still further, a child without a statement must be educated in a mainstream school and, of course, by extension, all children in special schools must have a statement naming that school. The only exception to this is for very brief periods of assessment prior to the decision to carry out a statutory assessment or for children with split placements where the bulk of their time is spent in a mainstream environment.

The statutory assessment process is well suited to young people with significant difficulties or a high level of need. It ensures that advice is sought from all those agencies which could claim to have knowledge of the child. However, the main burden of placement decisions and discussions with parents can fall on the casework and assessment officers who have themselves not taken part in the assessment process. Criteria are applied firmly in the decision to initiate a statutory assessment but they are not applied in the form of strict entry criteria to the special schools. In some cases, this has resulted in a mixed population in these schools and a loss of clarity about which population of children they are trying to serve.

In the case of the one special school which caters for young people with emotional and behaviour difficulties, the pressure to accommodate disaffected boys in the secondary sector has had two main results. In the first place, girls with statements naming the school are, in fact, unable to attend because there is no peer-group. Second, there is a small but persistent group of boys who have to be educated temporarily in a pupil referral unit. Pupil referral units are not designed for young people with statements but, at times, the authority has little option.

### **14. Annual Reviews**

All statements are subject to annual review. Schools are now responsible for managing the process, gathering evidence and inviting people to attend with specified periods of notice. The review process itself is regulated by the code of practice and recent changes

mean that on every occasion, where relevant, those present have to consider whether the child is ready for inclusion in a mainstream school.

The review meeting has to complete a return which is copied to all interested parties including the local authority and which covers, amongst other things, whether the statement should be maintained and whether any alterations are necessary. The authority has to reply to this within a specified time. It seems clear that, although the authority keeps to the letter of the regulations, the casework and assessment officers do not have time to analyse all the annual review returns in the depth they would like and, unless the school is active in seeking changes, it is difficult to make sure that the text of the statement relates to the current needs of the child. The situation has been exacerbated in the past by the fact that statements have tended to be very specific about the current needs of the child at one point in time. Often, the level of detail in statements means that they do not have a very long shelf life.

The authority does not have the routine ability to monitor the review process itself, even though many reviews are attended by professionals or by casework and assessment officers. Anecdotal evidence suggests that some schools may take a fairly relaxed view of their responsibilities.

### **15. Routes of Referral**

Until recently, the only people who could request a statutory assessment were schools and parents, although the authority itself could initiate the process in response to notifications from the health service or other professionals. However, with the publication of the revised code of practice, almost anyone who has substantial knowledge of the child can now start the process. In addition, the authority must now respond in every case as if it were a parental request. Consequently, all decisions must be made within a six-week period.

In practice, it is still only the schools that understand the process well, but there is a perception that parental requests hold more sway with the authority. Therefore, it is quite common for schools and professionals to suggest to parents that they need to ask for a statutory assessment in order to get support for their child. As yet, there have not been any requests from others such as preschool area special needs co-ordinators, speech and language therapists or paediatricians, but it is something which could happen unless more responsive processes are put in place. Parental requests can place a significant burden upon the casework and assessment team and upon educational psychologists, in particular, in situations where very little is known about the child. Because of a desire to work closely with parents and to be positive about their concerns, the Council has moved away from a position of simply refusing to assess where there is insufficient information. However, it may be obliged to refuse initially within the six-week time limit but with the suggestion that the request can be revisited when more information is available. Blanket refusal to assess could well lead to indefensible tribunal cases.

### **16. Criteria and Consistency**

Because statements have been one of the main special needs funding mechanisms, there has been a rising demand on the system and a need for fairness and clarity. As indicated above, all requests are considered by a monthly referral panel chaired by the Manager of SEN. It has representatives of primary and secondary schools, the PCT,

## Draft SEN BVR Stage One Report

social services, the psychology team and the other support services. Applications are judged against clear published criteria, but the panel also has access to professional reports and specialist knowledge. In many instances, the amount of paperwork involved costs much more to produce than the child is likely to get in terms of support.

In general, where statutory assessments are undertaken, the responsibility passes entirely to the two casework and assessment officers. Of course, they must seek all the advice set out in the regulations. This consists of

- A. Parental advice
- B. Educational advice
- C. Medical advice
- D. Psychological advice
- E. Social services advice
- F. Other advice, such as the wishes of the child

There is also the freedom to consult anyone else where relevant and anyone named by the parents. An element of consistency is achieved by the fact that statements are written to strict national guidelines. The standard layout is

- Part 1 Introduction
- Part 2 Special educational needs
- Part 3 Special educational provision
- Part 4 Placement
- Part 5 Non-educational needs
- Part 6 Non-educational provision

Legal precedent suggests that statements must be quite specific in the provision that they are making. In practice, this usually means a number of hours per week of teaching assistant support time.

Although the process is consistent and operates to clear criteria up to the point of the production of the statement, the writing of the statement is not subject to any local guidelines. Consistency, at this stage, depends on the professionalism and experience of the casework officers. Of course, they can find themselves under pressure from schools and parents, with the threat of the tribunal, to allocate large amounts of support. This seems to be a clear area for future development.

### 17. The Maintenance of Statements

Statements, once written, have to be maintained until they lapse, until the parents no longer want them, or until the LEA decides to cease to maintain. In the last case, parents have rights of appeal to the tribunal. Statements usually lapse when a young person leaves the maintained sector of education, though those who are placed by the authority in independent settings will normally keep theirs. A lapsed statement has to be kept on file in case the young person comes back to the maintained sector, but it will not continue beyond the end of the academic year in which they are 19. The Council has no policy of ceasing to maintain statements and no regular cycle of updating the provision named in them. This typically means that support which is allocated early in a child's school career will still be with them until they leave school, even though the child's needs may change significantly in that time.

## **18. Working with Service Users**

Apart from the child, the main service users are parents and schools. Unfortunately, by its very nature, the statutory assessment process is not user-friendly. It tends to be legalistic, protracted and bureaucratic.

The casework and assessment officers, who are charged with reporting the views of the child wherever possible, rarely have access to the child themselves. They are obliged to depend on teacher reports or on the duty of educational psychologists to say something about this in their advice (Appendix D to the statement – as made clear in the Toolkit of the Code of Practice). Other support services may also comment on it. Although there has been some training in the county, there is a perceived need to improve the skills of professionals in this area.

Parents are supported through the process in a well-organised way, though they still often complain about it and find it overly complex. The parent partnership officer provides an advice service and makes available independent parental supporters who are not influenced by the authority in any way. Documentation is provided for parents to explain what to do, much of it worded to meet regulations, and they have an opportunity to feed back their views of the process. Most parents are also helped by the school or early years setting in completing forms. They also work closely with psychologists and advisory teachers as well as the casework and assessment officers. Unfortunately, the process itself is time consuming and obliges the parents to be involved with a range of professionals.

In common with all authorities, the Council makes available a mediation service, at no charge to the parents, which can help to encourage positive outcomes. It provides an informal way of resolving disagreements between parents and the LEA or parents and the school. It does not affect the right of appeal to the tribunal.

There are also a number of partner agencies involved in the provision for and assessment of individual statemented pupils including Families, Early Years Providers, Schools, Social Services, Primary Care Trust (PCT), Parent Partnership, Special Educational Needs Consortium, West Midlands Service for Travelling Children, Youth Offending Team, Connexions, Police, Youth Service, Colleges and independent schools.

## **19. The Tribunal**

The Special Educational Needs and Disability Tribunal (SENDIST) is an independent body that hears parents' appeals against LEA decisions on statutory assessment and statements. At every stage of the process, parents are informed of their rights of appeal. The Council goes to a good deal of trouble to ensure that parents are consulted and that their concerns are addressed wherever possible. This has meant that, compared with the majority of local authorities, Herefordshire recently has a very low rate of SEN tribunals. In the two years to April 2003, there has been only one case which has gone to a hearing. On the basis that tribunal hearings are expensive in terms of professional time and nervous energy, and can involve the authority in having to pay for costly provision, this approach has been justified.

## **20. User Satisfaction**

Feedback forms are supplied to all parents whose children are involved in the statutory assessment process. Those which are completed are logged both by the casework and assessment officers and by the parent partnership officer. This provides an opportunity to improve the overall working of the system and to make it more user-friendly. It also means that specific concerns can be followed up. It is possible for parents to register formal complaints with the Council about the process and, if necessary, complain to the Local Government Ombudsman. The incidence of either is extremely low. Unfortunately, the legalistic nature of statutory assessment limits the extent to which procedures can be adjusted or improved.

The educational psychology service conducts regular satisfaction surveys with schools and is very well regarded by the users of the service. It should be borne in mind that advice for statutory assessment is only a part of what psychologists do, and they are not necessarily judged on that element.

The Directorate maintains close links with agencies such as the Special Needs Consortium and the Marches Family Network as is made aware of how the service in general is being received.

In 2000, the Audit Commission conducted a survey of school views to support the Ofsted inspection of the Herefordshire LEA. The results, in relation to SEN services, are outlined in the following table. In all areas Herefordshire services were rated above the mean satisfaction level out of 48 LEAs surveyed by the Audit Commission.

Draft SEN BVR Stage One Report

**Table 1      Audit Commission School Survey 2000**

Question Area	Primary		Secondary		Primary & Secondary		
	Good	Very Good	Good	Very Good	Good	Very Good	Good & Very Good
Support for SENCOs	37%	13%	25%	17%	35%	14%	49%
Provision for pupils out of school for reasons other than exclusion	22%	0%	17%	0%	37%	0%	37%
Provision for pupils who have a statement of SEN	29%	4%	33%	0%	33%	3%	36%
The annual review of statements of SEN	32%	1%	25%	8%	34%	2%	36%
The quality of its planning of SEN provision	28%	7%	17%	8%	28%	7%	35%
Provision of learning support services	22%	12%	33%	0%	24%	10%	34%
Provision of behaviour support services	25%	6%	25%	0%	28%	5%	34%
Support for inclusion for pupils with statements in mainstream schools	19%	12%	25%	0%	22%	10%	33%
Guidance on IEPs	22%	12%	17%	0%	22%	10%	32%
Support for improving pupil's behaviour	26%	9%	8%	0%	24%	8%	32%
The quality of statements of SEN	26%	1%	42%	0%	31%	1%	32%
Its criteria for resource allocation for statemented pupils	19%	6%	25%	0%	21%	5%	26%
Involvement of schools in decision making about statutory assessments	22%	3%	8%	0%	21%	3%	24%
Efficiency with which the statutory assessments of pupils with SEN are made	18%	1%	25%	0%	20%	1%	21%
Information about the costs of different types of SEN provision	18%	1%	17%	0%	20%	1%	21%
Provision of education psychology support	21%	1%	8%	0%	19%	1%	20%

The LEA plans to conduct a survey of school views and satisfaction levels within Herefordshire. Questions regarding SEN assessment and provision will be included.

## 21. Monitoring Provision

Although a large amount of money is spent on supporting young people with special needs, particularly those with statements, monitoring arrangements are somewhat ad hoc. There is, at present, no systematic way of monitoring any of the following

- How effective support is in terms of pupil progress
- How counter-productive support is in terms of developing independence
- Whether schools spend SEN money effectively (or on SEN)
- Individual pupil progress
- How the processes help or hinder inclusive working
- Accessibility
- Trends in basic skills among children with SEN
- Unmet need
- The effectiveness of annual reviews
- Transition planning
- Schools causing concern in terms of SEN
- Early years provision
- Criteria for statutory assessments

Monitoring of both quality and quantity in SEN is a key theme of recent Ofsted and Audit Commission documentation.

## 22. Financial Information

SEN is difficult area in which to draw financial comparisons because no one definition – stated is the easiest to draw out but increasingly authorities are devising statistics to avoid statementing as it is so expensive. It is also difficult to compare per pupil figures as LEAs are at different stages of delegation in this area, some have special units whilst others have units within schools.

Detailed financial information is currently being compiled for the Education Business Plan. Once the information has been compiled it will be compared to that of other, similar LEAs and used by the review team in order to aid the identification of areas for improvement.

## 23. Assets and Resources

All facilities are part of the overall resources of the Directorate and are based at Blackfriars. There are no off-site facilities. The Manager of SEN has an individual office which relates to a wider strategic function, but this may need to be reviewed with the changing functions of the post. The two casework and assessment officers share a small room and the three clerical assistants occupy a larger one which also contains all the files relating to statutory assessment. The Principal Educational Psychologist has a small individual office and the rest of the team, consisting of five psychologists, shares a larger room which also houses the psychology files. All in question have their own desktop computers, though some of these are now very old and will not run up to date software. The psychologists receive clerical support from members of a central SEN team. The other support services (MBSS, HLSS & PASS) share one large room which requires sharing work stations at peak times.

## 24. Data storage

The psychology service has a small Access casework database which is maintained by the clerical supervisor. However, it is incomplete and data cannot be retrieved from it. The special services team maintain a number of Excel spreadsheets which log statutory assessments and funding, but these are lacking a certain amount of accuracy. In other respects, all data are held on manual filing systems which occupy increasing amounts of space.

Clearly, the need for paper files remains. Most of those in the special services section contain legal documents and the psychologists need to be able to take all the file notes with them on visits. However, the retrieval of data is slow and there are no data relating to the needs or performance of particular cohorts of children. Consequently, establishing SEN information by school, by category of disability or by age group is practically impossible.

The need for a special needs database was identified by the Ofsted inspection in the autumn of 2000. However, as part of the post-Ofsted action plan, it was not costed and has not been in the budget since then. The delay, in part, has been caused by discussions about the prior need for a core database. A special needs module for the Directorate's core database was purchased in April 2003 and a database office appointed to run it. It is estimated that it will take about a year to achieve the training, data entry and generation of useful statistics.

## 25. Ofsted

LEA Ofsted report, published in January 2001 refers to SEN and support services in a number of instances:

Section 110:

*The LEA fulfils its statutory duties with regard to special educational needs. The proportion of statements completed within the 18 week limit is 91 per cent, which compares favourably with other LEAs and is a major achievement given the low completion rate which the LEA had on transition two years earlier. Schools note an improvement in the quality of statements. LEA officers, educational psychologists and members of the support services are able to attend annual reviews that have particular importance either because of a need to change the provision or because they occur when a pupil is changing schools. Schools find the staff working in the SEN team to be most helpful even when involved in complex and sometimes acrimonious disagreements regarding provision. The LEA's presentations to the SEN Tribunal have been well prepared.*

Section 108:

*Despite these shortcomings in the strategy statement, the LEA has made good progress towards a more inclusive education for all pupils. An innovative Severe Learning Difficulties (SLD) inclusion project has been established and changes to the medical and behavioural support service (MBSS) put in place. A new school for pupils with EBD has been opened and there are proposed accommodation changes to one of the PRUs.*

Section 115:

*For a small LEA there is a broad provision of support for pupils with physical and sensory needs, learning difficulties including dyslexia, serious medical needs or those presenting behaviour problems. This presents a logistical problem for school staff particularly when seeking support for pupils with multiple needs. Some schools reported a sense of frustration at having to deal with, in some cases, at least three separate services. Duplication and overlap in terms of Stage 3 assessment was seen by schools to be at worst a delaying tactic on the part of the LEA and at best an issue of coordination. Schools were also critical of the coverage by the educational psychology service, relating not to the quality of the work but to the impact of unavoidable staff absences on assessment processes.*

Section 130:

*The quality of the provision for pupils not attending schools has been steadily improving since unitary status and is now good. The LEA spends above comparable authorities in providing alternative provision in PRUs for the high number of pupils who, for medical reasons, will not or cannot attend school. Expenditure will rise in the short term, as the LEA is well on target to provide full time education for all pupils not in school by 2002. However, expenditure is expected to decrease in the medium term as the authority's inclusion policy takes effect and this is reflected in the forward planning of the medical and behavioural support service (MBSS). However, these expectations are not articulated or costed in the draft SEN policy document currently out for consultation.*

Recommendations on special needs included

- *establish effective means of monitoring the use of funds delegated for pupils with statements*
- *ensure that a single support service database on pupils with SEN is included in the LEA's arrangements for monitoring pupils' progress*

These are still live issues.

## 26. Performance information

Table 2 Pupils with Statements of SEN - Trends

<b>% Pupils with Statements</b>					
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Herefordshire</b>		3.1	3.2		3.3
<b>West Midlands</b>	2.8	2.9	3.0	3.1	3.1
<b>England</b>	2.9	3.0	3.0	3.1	3.0

*Source: ONS Special Educational Needs in England: January 2002*

Table 3 Pupils with Statements of SEN

<b>January 2002</b>	<b>% SEN pupils with statements</b>	<b>% SEN pupils without statements</b>	<b>% SEN Pupils</b>
<b>% Pupils with Statements in Maintained Primary Schools</b>			
<b>Herefordshire</b>	1.9	18.7	20.6
<b>West Midlands</b>	1.4	18.5	20.0
<b>England</b>	1.6	19.1	20.7
<b>% Pupils with Statements in Maintained Secondary Schools</b>			
<b>Herefordshire</b>	3.7	14.8	18.4
<b>West Midlands</b>	2.5	15.5	18.0
<b>England</b>	2.4	15.9	18.3

*Source: ONS Special Educational Needs in England: January 2002*

Table 4 Numbers of primary schools by percentage of pupils with SEN

<b>January 2002</b>	<b>Up to 5%</b>	<b>5%-25%</b>	<b>25%-35%</b>	<b>35%-50%</b>	<b>50% and above</b>
<b>Herefordshire</b>	2.4	68.2	27.1	1.2	1.2
<b>West Midlands</b>	4.6	68.1	19.1	7.4	0.8
<b>England</b>	3.4	67.9	20.0	7.6	1.1

*Source: ONS Special Educational Needs in England: January 2002*

Table 5 Numbers of secondary schools by percentage of pupils with SEN

<b>January 2002</b>	<b>Up to 5%</b>	<b>5%-25%</b>	<b>25%-35%</b>	<b>35%-50%</b>	<b>50% and above</b>
<b>Herefordshire</b>	7.1	71.4	14.3	7.1	0
<b>West Midlands</b>	9.5	67.1	16.0	5.5	1.9
<b>England</b>	6.9	68.1	16.4	7.4	1.1

*Source: ONS Special Educational Needs in England: January 2002*

Table 6 Percentage of Statements Maintained by Statistical Neighbours 2002

LEA	Percentage of statements
Somerset	2.8%
North Yorkshire	3.0%
Worcestershire	3.1%
Bath and North East Somerset	3.2%
Gloucestershire	3.3%
South Gloucestershire	3.3%
Lincolnshire	3.5%
West Berkshire	3.5%
Devon	3.6%
North Somerset	3.6%
North Lincolnshire	3.8%
<b>Herefordshire</b>	<b>3.8%</b>
Dorset	3.8%
North East Lincolnshire	3.8%
Shropshire	4.0%
<b>ENGLAND</b>	<b>3.5%</b>
<b>Statistical neighbours</b>	<b>3.5%</b>

Table 7 First Time Statements Made in 2001 – Pupil Placement

Placements made in 2001	% Placed in Maintained Mainstream School	% Placed in Maintained Special School	% Placed in Other
North East Lincolnshire	92.6	6.1	1.2
South Gloucestershire	89.4	9.4	1.2
North Lincolnshire	89.2	4.1	6.8
North Yorkshire	82.2	14.3	3.5
Dorset	80.5	11.4	8.1
<b>Herefordshire</b>	<b>80.0</b>	<b>11.5</b>	<b>8.5</b>
Devon	79.8	10.4	9.8
North Somerset	78.9	13.2	7.9
Lincolnshire	77.3	16.1	6.7
West Berkshire	76.1	13.8	10.1
Bath and North East Somerset	74.8	18.4	6.8
Shropshire	72.7	15.8	11.5
Worcestershire	71.9	26.0	2.1
Somerset	71.4	17.9	10.7
Gloucestershire	71.2	24.0	4.8
<b>Statistical Neighbours</b>	<b>79.7</b>	<b>13.3</b>	<b>7.0</b>
<b>West Midlands</b>	<b>76.2</b>	<b>20.1</b>	<b>3.7</b>
<b>England</b>	<b>76.3</b>	<b>17.6</b>	<b>6.0</b>

Table 8 Best Value Performance Indicators

<b>BV43a</b>					
<b>% of statements of special educational needs prepared within 18 weeks including those affected by 'exceptions to the rule' under the SEN code of practice.</b>					
	<b>1999/2000</b>	<b>2000/2001</b>	<b>2001/2002</b>	<b>2002/2003</b>	<b>Target 2003/4</b>
<b>Herefordshire</b>	N/A	92%	88.4%		
<b>Unitary LEAs</b>	N/A	84%	88%		
<b>National</b>	N/A	82%	85%		
<b>BV43b</b>					
<b>% of statements of special educational needs prepared within 18 weeks excluding those affected by 'exceptions to the rule' under the SEN code of practice.</b>					
	<b>1999/2000</b>	<b>2000/2001</b>	<b>2001/2002</b>	<b>2002/2003</b>	<b>Target 2003/4</b>
<b>Herefordshire</b>	91%	94.5%	76%		
<b>Unitary LEAs</b>	Not known	63%	70%		
<b>National</b>	Not known	57%	62%		

Table 9 Appeals registered per LEA as a proportion of the school population

<b>LEA</b>	<b>1998 / 99</b>		<b>1999 / 00</b>		<b>2000 / 01</b>		<b>2001 / 02</b>		<b>Trend</b>	
	<b>No.</b>	<b>Prop</b>	<b>No.</b>	<b>Prop</b>	<b>No.</b>	<b>Prop</b>	<b>No.</b>	<b>Prop</b>	<b>Ave. No</b>	<b>Ave. Prop</b>
West Berkshire	3	1.2	2	0.7	4	1.6	0	0.0	2.25	0.9
Dorset	6	1.1	3	0.5	7	1.3	4	0.7	5	0.9
Shropshire	2	0.5	4	0.9	4	1.0	6	1.5	4	1.0
Gloucestershire	16	1.9	10	1.1	10	1.2	12	1.4	12	1.4
Devon	14	1.5	18	1.7	22	2.3	28	2.9	20.5	2.1
North Yorks	24	2.7	14	1.5	13	1.5	25	2.8	19	2.1
North Lincs	2	0.8	6	2.3	3	1.2	11	4.3	5.5	2.1
North Somerset	7	2.6	8	2.8	3	1.1	7	2.5	6.25	2.2
Worcestershire	17	2.1	24	2.6	33	4.0	26	3.2	25	3.0
<b>Herefordshire</b>	<b>10</b>	<b>4.1</b>	<b>12</b>	<b>4.6</b>	<b>4</b>	<b>1.6</b>	<b>6</b>	<b>2.4</b>	<b>8</b>	<b>3.2</b>
South Gloucestershire	9	2.3	13	3.1	19	4.6	14	3.4	13.75	3.3
Lincolnshire	29	3.0	38	3.6	37	3.7	32	3.1	34	3.3
East Riding of Yorkshire	18	3.6	11	2.1	23	4.5	17	3.3	17.25	3.4
Somerset	18	2.6	31	3.9	20	2.8	31	4.4	25	3.4
Bath & NE Somerset	13	5.2	8	2.7	10	3.9	11	4.3	10.5	4.0
Ave. Proportion Stat. Neighbours		2.3		2.3		2.4		2.7		2.4
Average Proportion West Midlands		1.9		2.1		1.9		2.5		2.1
Ave. Proportion All LEAs		3.0		6.4		3.1		3.8		3.1

## 27. Banded Funding

The review needs to take account of the fact that a great deal of work has already been done on addressing some of the shortcomings of the present system. In particular, using the statutory assessment process as a main mechanism for funding children with special needs has been recognised nationally as inefficient. It also ties up valuable professional time and operates as a failure model in which there are incentives for children not to improve.

The typical operation of the statutory assessment process has been laborious both in the time it takes and in the demand for multiple reports. It has been a stressful exercise for all involved, not least parents, and has often been seen as a way of preventing a child from getting support or, at least, delaying it. Criteria for statutory assessment have been used to stop the process getting out of hand but have often had the effect of insisting that a child fail comprehensively before getting support. The banding proposals are designed to do precisely the opposite. They depend on levels of need which can be identified with the minimum of external assessment, very little professional duplication and an emphasis on what should be done for the child rather than on how much they have failed. In essence, the onus will be on the schools to administer the SEN funds and to ensure a fair distribution. If the proposals are successful, they should enable funds to be available for preventative work at the beginning of a key stage rather than emergency measures before a young person is due to move to the next one. It is anticipated that banding decisions will ultimately be made by a moderating panel made up almost exclusively of practising teachers.

Banded funding relates to a matrix of need and offers schools funds rather than support. This will enable them to be more flexible in meeting the needs of individual children. The main ideas in introducing this funding are to

- release professional time, centrally and in schools
- reduce bureaucracy and paperwork
- speed up funding
- provide money rather than support
- allow schools more flexibility
- allow funding to be linked more easily to success
- encourage early intervention
- ensure that funding follows the child
- support inclusive practice

## 28. Future Trends

If banded funding is successful, it should enable the majority of children with special needs to be helped and supported in some way without the need for a statement. Of course, the statutory assessment process is likely to continue for more significant cases of need and the law has been changed to make it clear that all children attending a special school must have a statement. It is to be hoped that statementing rates will fall dramatically over the next few years, perhaps to not much more than 1% of the school population. In these circumstances, the balance of the work of the psychologists, other support services and, to some extent, the casework and assessment officers, will alter. They should be able to concentrate much more on consultative approaches, school improvement, training, review and monitoring.

## Draft SEN BVR Stage One Report

### 29. Stage 2 – Further Research and Consultation Plan

Action	Purpose	Responsible	Date
<b>Financial Information</b>			
Explain the banding process including advantages/ disadvantages	To inform the review team	SEN Manager	
Compare Statutory Assessment costs with other LEAs and statistical neighbours	To inform the review team and determine cost effectiveness of service	Steph Hood	
Value for money – what happens to the money sent to schools – consider in light of banding	To determine if money allocated to special needs pupils is being used to support their needs	SEN Manager	
Cost of SEN provision in Herefordshire – compare with similar LEAs	To inform the review team and determine cost effectiveness of service	Steph Hood/ SEN Manager	
<b>Processes and Provision</b>			
Process map the statementing process using 2-3 case studies	To enable the team to understand the process and identify any areas for efficiency improvements and to identify strengths and weaknesses To show involvement of other agencies To consider means of managing parental expectations during the early stages of the process	Klim Seabright	
Consider why some statements are as late as year 10	Issues are more readily addressed if identified early on. Can identification of a need to statement be recognized earlier?	Lorna Selfe?	
How far does provision line up with statements	To enable the team to understand the process and identify any areas for efficiency improvements	SEN Manager	
Map the processes and links between the services being reviewed	To enable the team to understand the process and identify any areas for efficiency improvements	Team	
<b>Performance</b>			
Obtain a cross section of Ofsted reports on SEN	To determine if there are recurring themes	Steph Hood	
Numbers of tribunals and levels of statementing across LEAs	To consider the efficiency of the service and identification of possible areas for improvement	Steph Hood	
Current targets and objectives	To inform the review team and identify and gaps	SEN Manager	
Obtain comparative performance indicators for PASS, HLSS and MBSS	To consider the performance of the services and identify possible areas for improvement	Steph Hood/Team Leaders	
<b>User Satisfaction</b>			
Devise questions to be sent to all schools as part of the LEA survey	To determine levels of user satisfaction and areas/ways in which it can be improved.	Team / Steph Hood	
Consider means of determining user satisfaction of parents and SEN pupils	To determine levels of user satisfaction and areas/ways in which it can be improved.	Team / Steph Hood	